

Circuit Court for Anne Arundel County  
Case No. 02-C-13-182114

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 172

September Term, 2019

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EVELYN FAYE CARTRETTE

v.

R.A. BROOKLYN PARK, LLC

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Fader, C.J.,  
Graeff,  
Moylan, Charles E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: June 12, 2020

\*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

In this appeal from a civil action in the Circuit Court for Anne Arundel County against appellee R.A. Brooklyn Park, LLC (“R.A. Brooklyn Park”), Evelyn Faye Cartrette, appellant, challenges the denial of a “Motion under Rule 2-535(b) to Vacate Erroneously Entered Money Judgments and Opposition To Release Of Funds Held by Court Registry” (hereinafter “the motion to vacate”) and subsequent motion for reconsideration. For the reasons that follow, we shall affirm the judgments of the circuit court.

The parties have appeared in this Court twice before. We recount some of the pertinent facts from our most recent opinion in the parties’ dispute:

Cartrette was formerly married to Bernard Odell Jeffers. Jeffers was the sole owner of Brooklyn Cycle World, Inc., a motorcycle dealer. When they divorced, Jeffers was ordered to pay Cartrette a monetary award of approximately \$2.3 Million and indefinite alimony of \$7,500 per month. Jeffers did not comply with all of these obligations and owed Cartrette money. When Brooklyn Cycle then sold real property, Cartrette first attempted to garnish proceeds belonging to Jeffers and then filed suit against the purchaser, [R.A.] Brooklyn Park, LLC, alleging fraudulent conveyance and seeking to set aside the transfer. The parties filed cross motions for summary judgment. The circuit court granted [R.A.] Brooklyn Park’s motion and denied Cartrette’s. Thereafter, the circuit court found that Cartrette’s lawsuit had been brought “in bad faith and without substantial justification” and awarded attorneys’ fees in the amount of \$21,288.17. Cartrette appealed from these judgments. This Court, in an unreported opinion, affirmed the grant of summary judgment but reversed the attorneys’ fee award, remanding the matter to the circuit court for it to “determine ... with greater clarity ... precisely when the bad faith [or lack of substantial justification] began.” *Cartrette v. Jeffers*, Case[] No. 2082 Sept Term[] 2014, 2015 WL 7225404 at \*7 (quoting *Optic Graphics, Inc. v. Agee*, 87 Md. App. 770, 792 (1991)). Cartrette sought certiorari review by the Court of Appeals but was denied.

On remand, Cartrette did not limit herself to the scope of the remand, but argued, notwithstanding our opinion, that summary judgment had been improperly awarded to [R.A.] Brooklyn Park. She also argued that an award of attorneys’ fees against her was not justified. Despite her objections, however, the circuit court declined to reconsider the summary judgment and

entered two awards of attorneys' fees: (1) for the period of November 11, 2013 to July 31, 2014, in the amount of \$21,288.17; and (2) for the period from August 1, 2014 to July 31, 2016, in the amount of \$64,021.68.

*Cartrette v. R-A Brooklyn Park, LLC*, No. 1530, September Term 2016 (filed April 26, 2018), slip op. at 1-2 (footnote omitted). The court's award of \$21,288.17 was dated July 1, 2016, and the court's award of \$64,021.68 was dated September 14, 2016.

On October 3, 2016, Ms. Cartrette filed a notice of appeal. On October 12, 2016, R.A. Brooklyn Park notified the court that the "clerk's office ha[d] not entered the" award of \$64,021.68 "as a judgment." On October 13, 2016, the court issued an amended order in which it ordered "that said award be entered as a judgment for [R.A.] Brooklyn Park, LLC and against [Ms.] Cartrette," and "that the Clerk enter the Judgment in favor of [R.A.] Brooklyn Park, LLC against [Ms.] Cartrette, in the amount of \$64,021.68." On October 24, 2016, the clerk entered the judgment. On October 26, 2016, R.A. Brooklyn Park notified the court that it had discovered that the award of \$21,288.17 "did not result in a judgment for attorneys' fees as [the court] ordered on the record." On October 27, 2016, the court issued an amended order in which it ordered "that said award be entered as a judgment for [R.A.] Brooklyn Park, LLC and against [Ms.] Cartrette," and "that the Clerk enter the Judgment for [R.A.] Brooklyn Park, LLC in the amount of \$21,288.17." On November 9, 2016, the clerk entered the judgment. That same day, Ms. Cartrette filed an amended notice of appeal, in which she "note[d] an appeal of the[] amended final orders."

On April 26, 2018, this Court affirmed the judgment of the circuit court on two grounds. First, "the time for [Ms.] Cartrette to have argued her motion for summary

judgment has long since passed,” and “[s]he may not argue it again.” Slip op. at 3. Second, the court had “a more than sufficient basis for an award of attorneys’ fees.” Slip op. at 5.

On December 20, 2018, Ms. Cartrette filed the motion to vacate, in which she contended that the court “had no jurisdiction to enter [the] amended orders, as the case was already on appeal,” and this Court “did not grant leave to the lower court to decide any [Rule] 2-535 motions during the pendency of the appeal.” On January 21, 2019, the court denied the motion. Ms. Cartrette subsequently filed a motion for reconsideration, which the court denied as well.

Ms. Cartrette contends that the court erred in denying the motion to vacate, because “after the appeal was noted on October 3, 2016,” the court lost “subject matter jurisdiction,” and hence, “the final amended orders are void.” We disagree. It is true that “[d]uring the pendency of an appeal,” “[c]lerical mistakes in judgments, orders, or other parts of the record may be corrected by the court” only “with leave of the appellate court.” Rule 2-535(d). But, Rule 2-601 states that a “judgment is effective only when” the clerk enters the “judgment by making an entry of it on the docket of the electronic case management system used by that court,” and “the date of the judgment is the date that the clerk enters the judgment on the electronic case management system.” Here, in orders dated July 1 and September 14, 2016, the circuit court awarded R.A. Brooklyn Park attorneys’ fees, but the clerk did not enter those judgments until October 24 and November 9, 2016. Because the judgments were not effective until those dates, Ms. Cartrette’s October 3, 2016 notice of appeal was premature, and the court was not required to obtain leave of this Court to amend

the initial awards of attorneys' fees. Hence, the court did not err in denying the motion to vacate.

**JUDGMENTS OF THE CIRCUIT COURT  
FOR ANNE ARUNDEL COUNTY  
AFFIRMED. COSTS TO BE PAID BY  
APPELLANT.**